

**WILLIAM D. PRICE**  
Claimant

**JRS QUIK LUBE**  
Respondent

**AETNA CASUALTY & SURETY COMPANY**  
Insurance Carrier

## ORDER

## ISSUES

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The preliminary hearing Order entered by the Administrative Law Judge should be affirmed. For purposes of preliminary hearing the claimant has established that he injured

his hands at work in December 1995 and January 1996. Based upon the evidence regarding the progression of claimant's hand symptoms through January 31, 1996, when he sought treatment at a local hospital's emergency room, the Appeals Board finds that claimant's accidental injury continued through that date and, therefore, claimant gave timely notice of accident as required by K.S.A. 44-520.

Because of the conflicting testimony presented, the Administrative Law Judge had to have found claimant a credible witness. The Administrative Law Judge personally observed the claimant and respondent's owner testify and was, therefore, in the unique and enviable position to assess their demeanor. In this instance, the Appeals Board gives some deference to the Judge's opinion of the witnesses' credibility.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge John D. Clark dated April 4, 1996, should be, and hereby is, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of June 1996.

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BOARD MEMBER

c: Russell B. Cranmer, Wichita, KS  
Dana D. Arth, Lenexa, KS  
Nelsonna Potts Barnes, Administrative Law Judge  
Philip S. Harness, Director